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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA JR., CalEPA BUILDING

1001 I STREET

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

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JAMES F. PETERS, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Margo Reid Brown

BOARD MEMBERS

Ms. Sheila Kuehl

Mr. John Laird

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Ms. Cathy Blair

Ms. Wendy Breckon, Senior Staff Counsel

Ms. Tracey Cottingim, Administrative Assistant

Ms. Donnell Duclo, Executive Assistant

Mr. Reinhard Hohlwein

Mr. Jim Lee, Manager, Tire Facilities Operations &
Evaluation Branch

Mr. Howard Levenson, Director, Local Jurisdiction, State
Agency & Business Assistance Program

Mr. Bill Orr, Chief, Cleanup, Closure & Financial
Assurance Division

Mr. Darryl Petker

Mr. Ted Rauh, Director, Waste Compliance & Mitigation
Program

Ms. Carla Repucci

Mr. Frank Simpson, Supervisor, Jurisdiction Compliance &
Audit Section

APPEARANCES CONTINUED

STAFF

Ms. Lorraine Van Kekerix, Chief, Compliance, Evaluation & Enforcement Division

Mr. Scott Walker, Chief, Cleanup Branch

ALSO PRESENT

Mr. Paul Holloway, Placer County

Mr. Terry Leveille, TL & Associates

Mr. Tony Perez, Department of Parks and Recreation

Mr. Ron Rowe, Merced County Local Enforcement Agency

Mr. Trey Strickland, Mendocino County Local Enforcement Agency

Ms. Angela Williams, City of Inglewood

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon everyone. Good
3 afternoon and Happy New Year to all. Welcome to the
4 January 12th meeting of the Permitting and Compliance
5 Committee.

6 We have agendas on the back of the table as well
7 as speaker slips. So if anyone would like to speak to the
8 Committee, please fill out a form, bring it up to Donnell,
9 and you will have an opportunity to address us.

10 Also, I would like to ask everyone to either
11 please turn off or put in the silent mode your cell
12 phones, pagers, et cetera.

13 And I would like to welcome one of our newly
14 appointed Board members here today, Senator Sheila Kuehl.

15 Welcome.

16 BOARD MEMBER KUEHL: Thank you very much. Glad
17 to be here.

18 CHAIRPERSON MULÉ: Great to have you here.

19 Good.

20 And I understand Assembly Member and Board Member
21 Laird will be with us shortly.

22 And also I'd like to make a note that we are
23 going to hear the agenda in the following order: We're
24 going to hear Item 3 first, then Item 1, Item 2, Items 4
25 and 8, and then Items 5, 6, and 7. So please make a note

1 of that.

2 With that, Donnell, would you please call the
3 roll.

4 EXECUTIVE ASSISTANT DUCLO: Member Brown?

5 COMMITTEE MEMBER BROWN: Here.

6 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

7 COMMITTEE MEMBER MULÉ: Here.

8 Any ex partes to update?

9 We're all up-to-date?

10 Up-to-date. Good.

11 Let's move to our Program Director's Report.

12 Ted.

13 Good afternoon.

14 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

15 RAUH: Yes, thank you, Chair Mulé and Board members.

16 Again, Happy New Year from us as well.

17 I wanted to run through just a few items; first,
18 give you some status updates.

19 As you know, the Board and Board staff have been
20 involved in a number of debris removable response
21 activities. And to that end, we're currently
22 participating in the Golden Guardian effort, which is a
23 review of debris response for southern California in the
24 event of a catastrophic earthquake. We believe as a
25 result of that activity, even further information will be

1 shared as to how best to manage debris after that kind of
2 a significant event. And we'll be coming back to you in
3 the near future with any findings or conclusions that we
4 have that might weigh on Board actions in the future.

5 In terms of the Landfill Gas Program plan
6 implementation, 146 landfill gas monitoring program plans
7 have been identified as being needed for the larger
8 landfills. A hundred twenty-nine have been received so
9 far by LEAs, and LEAs have approved 55. A hundred ten of
10 these have been forwarded to the Board staff for our
11 review; 21 have been concurred with; eight have been
12 deemed acceptable, which means that when the local
13 government LEA completes their review and submits that
14 review plan with their concurrence to Board staff, we
15 would, in turn, concur with the plan. Forty-five more are
16 going through an additional information round.

17 And basically the main reason I wanted to bring
18 this up is at last week's CCDEH Policy Committee, there
19 was sort of a roundtable assessment from CCDEH. And LEAs
20 presented as to how well the process was going, they
21 generally felt that the process was going well at this
22 point. So I wanted to feed that back to you.

23 I also had reported in a previous meeting on auto
24 shredder waste and the fact that the DTSC has made a
25 tentative determination that auto shredder waste might be

1 classified as hazardous. As it stands now, the Department
2 is continuing -- has given the industry another month to
3 provide technical analysis and support of its claims that
4 the waste may not be a hazardous waste. So we won't see
5 any resolution to the issue of whether the DTSC makes a
6 final finding of it being hazardous or not at least until
7 February or beyond.

8 In terms of Phase 2 long-term financial assurance
9 and the development of regulations thereto. Staff held a
10 workshop today which was very well attended. And again
11 further discussion of some of the key issues, a pool fund,
12 some of the other things that are currently on our plate,
13 were discussed in detail. And we, as planned, can
14 continue to plan to bring back to you in February a status
15 on that effort and the discussion of 2296 conformance. So
16 we're still on track to do that.

17 The last thing I wanted to report on, it sort of
18 segues into the first item that you're going to here
19 today, but it comes from a little different source - in
20 February of 2008 you issued a cleanup and abatement order
21 for a major waste tire facility located in Berger Ranch in
22 Mendocino County. And in that case, the LEA wanted to
23 take the lead for the cleanup, and has successfully
24 completed that cleanup. Over 69,000 passenger tire
25 equivalents were removed as a result of this cleanup,

1 which is a major tire cleanup. It was successfully
2 completed in December. And so it again meets that test of
3 a significant tire removal, spearheaded by enforcement
4 action from the Board.

5 And that concludes my report for today.

6 CHAIRPERSON MULÉ: Great. Thank you, Ted. That
7 is good news.

8 Any questions for Ted?

9 And before I move further, I'd like to welcome
10 Board Member Laird.

11 I said you'd be a few minutes. And you were just
12 a few minutes late. Thank you.

13 BOARD MEMBER LAIRD: Well, I still think I fund
14 the Highway Patrol.

15 (Laughter.)

16 CHAIRPERSON MULÉ: Well, thank you for being
17 here.

18 Okay. Let's move into our agenda, Item 3.

19 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

20 RAUH: Thank you.

21 Item 3 is both exciting and gratifying to me to
22 be able to introduce to you today inasmuch as it
23 culminates or at least is a stopping point and
24 presentation of 15 years of very hard work in site cleanup
25 by the Board.

1 And here today to present the results of this
2 extended activity, first to my right, Bill Orr, Division
3 Chief; and then making the presentation, Scott walker, who
4 is the Manager of our Cleanup Program.

5 Scott.

6 (Thereupon an overhead presentation was
7 Presented as follows.)

8 CLEANUP BRANCH MANAGER WALKER: Thank you, Ted.

9 Scott Walker, Manager of the Cleanup Branch.

10 And first I'd like to express appreciation to the
11 Board and Committee for the guidance and support for the
12 Solid Waste Cleanup Program - which the success would not
13 be possible without that - and all those past and present
14 involved in the success of the program. I can't name all
15 of them obviously. We'd be here for many minutes.

16 But special satisfaction is deserved by Wes
17 Mindermann. And I think he's back there someplace. He
18 doesn't like to get out in front of the crowd too much,
19 fortunately for us. And his staff. And stop the baton.
20 Jerry Olberhelman, Carla Repucci, Todd Thalhamer, and Brad
21 Williams; Glenn Young and his staff; Steve Levine and
22 others of the Legal office; and the Admin Division. Admin
23 Division does a lot for us. They're kind of unseen, and
24 we do give them a lot of irritation. But they are
25 essential in the implementation of this program also.

1 After a brief summary of the program, I'm going
2 to show just a panoply of some slides of some
3 representative projects that we've had; talk a little bit
4 about the major performance measures; and finally some
5 near-term challenges posed to the program.

6 At the Board meeting, our Public Affairs office
7 is going to put together a little video of some of the
8 memorable projects and testimonials. So we'll also have
9 that too at the Board meeting.

10 --o0o--

11 CLEANUP BRANCH MANAGER WALKER: Mission and
12 authority.

13 The Solid Waste Cleanup Program. The mission and
14 legislative intent is to clean up solid waste disposal and
15 codisposal sites, where either the responsible party
16 cannot be identified or is unable or unwilling to perform
17 timely cleanup required to protect public health and
18 safety and the environment. The basis of this in the
19 Public Resources Code is AB 2136, Eastin in 1993. It was
20 amended by various bills: AB 992, Wayne 1999; again
21 Wayne, AB 709 in 2002; and then AB 2211 in 2006.

22 Although not a primary topic today, we also
23 implement other cleanup programs in the branch: The Waste
24 Tire Remediation Program; the Waste Tire Amnesty and
25 Cleanup Grant Program; and the Farm and Ranch Cleanup

1 Grant Program. We have a farm and ranch cleanup grant
2 under consideration today in Item 5, but those are other
3 programs. They're not the primary topic today, but they
4 are major elements of the Board's overall cleanup efforts.

5 --o0o--

6 CLEANUP BRANCH MANAGER WALKER: The program
7 funding is through annual appropriation by the
8 Legislature, typically \$5 million transferred from the
9 Integrated Waste Management Account to the Solid Waste
10 Cleanup Trust Fund. And this trust fund is continuously
11 appropriated, which means the Board has tremendous
12 flexibility to expend monies as long as there's a balance,
13 and monies that come into the fund from cost recovery
14 interest and cost sharing. We're not held up by a budget
15 stalemate under this program as long as we have money
16 available in the trust fund.

17 Implementation. The Board has adopted
18 regulations. And there are numerous Board-adopted
19 policies which govern the implementation of this program:
20 How we bring sites before the Board, the criteria we gauge
21 threat of the site, and the level of due process that we
22 need to implement in order to bring sites before the Board
23 which require the Board approval for us to clean up.

24 The funding options are Board-managed remediation
25 projects. This is where we use the Board's contractors,

1 and we actually manage the projects in the field
2 typically. We also have grants. We have a couple
3 different types of grants to public entities. And then
4 there's a loan program, too.

5 Enforcement and cost recovery are very important
6 for this program. Enforcement is very wide ranging in
7 terms of the applicable enforcement aspect of a given
8 site. The range of different cases we have, some of the
9 cases don't require enforcement action - no responsible
10 party, public-owned sites. But others, at times, require
11 extensive civil action. It may be necessary to get access
12 and actually establish due process for unable unwilling.

13 Cost recovery is required to be pursued to the
14 extent feasible. We have a statutory lien provision
15 commonly used. We also can pursue civil action in
16 conjunction with the Attorney General's office.

17 --o0o--

18 CLEANUP BRANCH MANAGER WALKER: Partnering
19 agencies are extremely important in this program. We
20 cannot implement it without the support and involvement of
21 a wide range of agencies - federal, state, local, and
22 nonprofits. This slide just shows a list of some of our
23 common partners. But we have a very large network of
24 partners that we have to work with and have to support us
25 throughout the state.

1 --o0o--

2 CLEANUP BRANCH MANAGER WALKER: Our approach in
3 this program is -- with being there for 15 years, you
4 know, you just -- you basically go carefully in a phased
5 way. As things come up, different situations come up, you
6 adjust as necessary. You build on past successes. The
7 partnership is extremely important, and also
8 prioritization of the sites, primarily with respect to the
9 threat posed by the site to public health and safety and
10 the environment.

11 The sites and the projects vary extremely
12 wildly -- widely -- wildly too sometimes.

13 (Laughter.)

14 CLEANUP BRANCH MANAGER WALKER: And in the
15 following slides I just want to go over just some general
16 description of these types of situations.

17 --o0o--

18 CLEANUP BRANCH MANAGER WALKER: And the first, in
19 the illegal disposal site cleanups, where we'd normally
20 basically remove all the waste, recycle to the extent we
21 can, and dispose of properly the waste that we can't
22 recycle. We remove hazardous substances, solid waste, a
23 lot of these materials; and implement site security
24 measures to prevent reoccurrence, and ensure that any
25 waste left on the site is inert and essentially not a

1 threat, not a regulatory concern.

2 Sham recycling facilities. We have a lot of
3 waste we generate in the state. We have an excellent
4 infrastructure of very good operators. But there are some
5 scofflaws out there, some bad apples that occasionally
6 come up. And this is what we faced over the years. The
7 most recent is Mission Fibers, which we completed in
8 November. And this was an example of a third-party sham
9 broker of recyclables that rather than legitimately
10 collect and recycle or ship to overseas markets for
11 recycling, they abandoned, they dumped the site and site
12 blight. Before the agencies could get wind of it, it was
13 a huge quantity, almost -- about 12,000 tons of materials,
14 bales of this material.

15 This ties in a little bit with the ongoing issue
16 with markets and recyclables. We want to point this out
17 as it's kind of new. We are on notice with our LEAs to
18 make sure to look out for these if they pop up again and
19 try to nip them in the bud through enforcement so that we
20 don't have to be faced with actually cleaning up a site
21 like Mission Fibers. But we were able to get in there
22 really quick, clean this up. Tremendous fire hazard posed
23 by this site.

24 --o0o--

25 CLEANUP BRANCH MANAGER WALKER: Prior to the

1 Mission Fibers as a category, the sham recycling facility,
2 most recently we have the C&D sites, construction and
3 demolition debris sites. Before the Board established
4 regulations in 2003, these sites were kind of out of
5 the -- they were basically outside of our regulatory
6 control. And there was areas that sham operations would
7 exploit those regulations. And one of them, an inert
8 site, a major project that the Board did was La Montaña in
9 Huntington Park, completed in '05. And this was actually
10 an inert pile created as a result of the 1994 Northridge
11 earthquake. Tremendous environmental justice issue. And
12 we finally were able to go in, and we removed that pile.
13 The public was very, very appreciative. This was a major
14 problem for the public for a number of years. And this
15 was a major success for the Board.

16 --o0o--

17 CLEANUP BRANCH MANAGER WALKER: Prior to that,
18 probably the most infamous one is the Crippen site, which
19 was a mixed C&D site, a lot of combustible material. And
20 this created a huge fire -- subterranean fire. This
21 burned for about six weeks. We were involved in the --
22 directly with our contractors in the emergency response.
23 Tremendous public health hazard from the smoke in the
24 community in Fresno where the fog bank kept this in the --
25 basically was impacting the community.

1 And then we had this pile that was left from the
2 fire abatement activity. And this pile started to heat
3 up. And we were worried this thing was going to catch
4 again. And so we had to go back in there, and we actually
5 took that pile away and we properly disposed of it.

6 But, again, these C&D sites, we're seeing less of
7 these. There's less of a risk. Can't say we won't have
8 another pop-up. But we made a major effort at these. And
9 we're really focusing with our enforcement efforts, and
10 they're less likely to occur.

11 Prior to that, there were some sham composting,
12 which we dealt with a lot. And again our rulemaking was a
13 little more mature at the time and we had much less of a
14 problem with those.

15 --o0o--

16 CLEANUP BRANCH MANAGER WALKER: Next is the
17 really large open dump sites - real huge, typically
18 legacy, many, many years. Most recently, we're targeting
19 the reservations. Torres-Martinez Reservation was a major
20 focus of us in southern Riverside County. These sites
21 would be burned, a tremendous health threat to the
22 surrounding community. And we basically cleaned up the
23 most egregious ones working with the other agencies.

24 Now we're working with the Yurok tribe up in
25 Humboldt County. The Board approved some projects. And

1 we have a huge open dump there that we're going to get to
2 this summer that's left. But this is another large
3 category that we're targeting and that would come up now
4 and again.

5 --o0o--

6 CLEANUP BRANCH MANAGER WALKER: Next category is
7 pre-regulation -- some of these pre-regulation legacy
8 sites. In coastal areas inland waterways have been used
9 historically to dump a lot of waste. And we're targeting
10 these now more. Santa Cruz Island was kind of tied to
11 this, and that was a recent project. We'll probably show
12 videos for the Board on that.

13 But one project here is at Candlestick Point
14 State Recreational Area, which is public use. We are
15 probably going to start this project maybe next month
16 hopefully, where we're going to go through, remove the
17 solid waste combustible material, and then process and
18 grade off the site, so it's in a condition that could be
19 used by the public for hiking and enjoyment, because it's
20 a state recreation area. We're working in partnership
21 with State Parks.

22 But there are a number of these types of sites
23 we've been involved in and we do have potential for doing
24 some more projects.

25 --o0o--

1 CLEANUP BRANCH MANAGER WALKER: Another category
2 are these older landfills with landfill gas migration
3 issues. And one of these is City of Duarte Landfill. And
4 this is a landfill that closed in 1975 but it's still
5 generating gas. Gas has migrated at explosive levels in
6 to the surrounding residential area. Had a gas control
7 system fall apart. And it has been a tremendous
8 enforcement case.

9 And in this particular type of case, we try to
10 narrow in our matching grant part of our program, because
11 it's very difficult for the Board to go in there with our
12 contractors, construct a gas control system, and then do
13 the operation and maintenance of it for years. And so we
14 try to leverage our funding through the matching grant to
15 get parties to do that, which is addressed in this
16 particular case. And so this is in progress right now and
17 it's an example of that type of a project and a situation
18 where applicable with the program.

19 --o0o--

20 CLEANUP BRANCH MANAGER WALKER: Another category
21 are the burn dumps, which prior to the seventies most of
22 the waste -- most of the people in California burned their
23 garbage in large open burn dumps and -- you know,
24 frequently in coastal areas. And Glass Beach in Fort
25 Bragg was one of the projects we did. We typically take

1 these -- we try to remove as much ash, which typically is
2 high in lead. And when you have a public contact here,
3 it's especially a concern. We try to remove the ash as
4 much as we can. But we also consolidate and cover it
5 onsite in a fill that minimizes any long-term maintenance.

6 Now, this particular site at Glass Beach was a
7 major project for the Board, because it was instrumental
8 in establishing the expansion of MacKerricher State Park
9 to encompass a much larger area of the coast -- the north
10 coast for public access. So this is a project that we're
11 especially proud of. It's also an example of a burn dump
12 project, and we've done a number of these.

13 --o0o--

14 CLEANUP BRANCH MANAGER WALKER: The next category
15 of projects is the corrective action -- the Landfill Title
16 27 California Code of Regulations Non-Water Quality
17 Corrective Action.

18 Ted reported on our workshop on financial
19 assurances for closure/post-closure. We have 282
20 landfills that accepted waste after January 1 of 1988.
21 They're subject to full Title 27 closure plan financial
22 assurances. But for non-water quality corrective action,
23 if there isn't -- if the operator doesn't do it, and under
24 enforcement, whether unable or unwilling, our program has
25 gone in and done this corrective action. BKK is the most

1 recent case.

2 This was a very complicated project. DTSC did a
3 large part, because it was adjacent Class I unit. They
4 shared environmental monitoring control systems. And the
5 main storm drain failed, caused a tremendous erosion
6 problem. We spent \$1.2 million finishing off the Phase D
7 erosion control of the cap. DTSC replaced the storm
8 drain. And then we also freed up enough money so that the
9 insurance policy was used by the owner of the facility to
10 finish and complete and certify the rest of the closure of
11 the Class III area.

12 So this is an example in a very complicated
13 project. We've had several others of these.

14 CHAIRPERSON MULÉ: Scott, could you explain the
15 difference between a Class III and Class I landfill?

16 CLEANUP BRANCH MANAGER WALKER: Yes. The
17 difference between a Class III and a Class I landfill is a
18 Class III landfill is nonhazardous solid waste and a Class
19 I has hazardous waste. And a Class I landfill has to go
20 through Title 22 of the California Code of Regulations
21 through DTSC for review and approval and oversight.

22 CHAIRPERSON MULÉ: Thank you.

23 --o0o--

24 CLEANUP BRANCH MANAGER WALKER: The next category
25 is illegal dumping project -- illegal dumping grant

1 projects, which we've gotten into relatively recently.
2 And what we try to do here is -- obviously the Board can't
3 deal through this program for all the problem of illegal
4 dumping, because it spans cleanup. There's prevention,
5 public education, there's surveillance and enforcement.
6 And we can't displace a local agency's responsibility and
7 requirement to implement these programs at a local level.

8 But what we can do is we can help them out when
9 they get overwhelmed and deal with some eligible cleanup
10 parts. They can expand and develop their program in other
11 areas. And so we can help them along temporarily and so
12 that they could try other ways and approaches when that's
13 out of hand for them.

14 We can also clean up the biggest and the baddest
15 sites. Some of these sites just get so huge that you
16 can't handle it as a nuisance abatement situation.

17 The city of Los Angeles is a big project that
18 we've had.

19 We also do this in rural areas. We have a new
20 river collaborative, which is Imperial County, which we're
21 working on now. And that's another example of an illegal
22 dumping grant application of this program. But illegal
23 dumping is a major problem. We have a leather initiative
24 on a task force. And the Cleanup Program has been
25 directly involved in assisting in this.

1 --o0o--

2 CLEANUP BRANCH MANAGER WALKER: The next category
3 is this stormwater trash outfall sites. This is a problem
4 that really got highlighted in Los Angeles over the past
5 eight years or so. And what happens is that trash and
6 litter concentrates in the stormwater and it goes into
7 these outfall areas in our inland waterways and coastal
8 areas, discharging tremendous quantities of solid waste,
9 tires and other materials, directly to the environment.

10 And what we've done with this program is we've
11 been involved in some major -- through the matching grant
12 option, some major projects primarily in the Los Angeles
13 area - Malibu, Santa Monica, the City and County of Los
14 Angeles on this issue.

15 Agenda Item 4 is the Tijuana River Valley. It's
16 kind of in this area. It's probably in order of magnitude
17 a little -- it's a little different, but it is tied to the
18 stormwater trash problem that we've had in the program
19 apply to.

20 --o0o--

21 CLEANUP BRANCH MANAGER WALKER: And then finally
22 the disaster debris sites.

23 Angora in 2007 was -- in South Lake Tahoe where
24 248 homes were destroyed by a wildfire and there was an
25 urgent need to clean this up as soon as possible to

1 protect Lake Tahoe. Lake Tahoe, a crown jewel,
2 environmentally sensitive. We also wanted to get the
3 rebuilding process and recovery process to be completed as
4 soon as possible.

5 With our contracts in place, we were the only
6 entity with the experience and contractual support to be
7 able to do this project, which we successfully removed the
8 ash within six weeks of the disaster.

9 And we received full cost recovery on this
10 through the Department of Finance. But we basically --
11 this is not a typical -- it's not an illegal disposal
12 site. But per the Governor's Executive Order, we were the
13 only ones that could do this and meet the needs of the
14 Executive Order.

15 --o0o--

16 CLEANUP BRANCH MANAGER WALKER: Just a couple of
17 points about the record. We've had over a thousand sites
18 and 193 projects approved; around 90 percent of those
19 complete, ten percent are in progress right now -- a
20 little less than ten percent.

21 The Board has approved about \$85.5 million in
22 funding. We have had over \$14 million in cost recovery.
23 And we've also leveraged another almost \$50 million in
24 funding from other parties to these projects.

25 --o0o--

1 CLEANUP BRANCH MANAGER WALKER: When we look at
2 the Cleanup Program funding trend, just a couple I'll note
3 here, is that we really were directed to move this program
4 in a different direction back in '98 -- when I started the
5 program in early '98. And the Board really wanted us to
6 expand the program, expand the funding, leverage funding,
7 new sites, deal with these emerging site-type issues, you
8 know, get things done. And so we have, by and large, met
9 the Board's direction on that. The program continues in
10 an accelerated trend in terms of overall cleanup funding
11 that's been used.

12 --o0o--

13 CLEANUP BRANCH MANAGER WALKER: Now it's not
14 without its future challenges. And when you look at the
15 money, you think, well, we're spending a lot of money.
16 Are we dealing with the root cause, or are we just going
17 to keep spending money, money, money till it -- you know,
18 is there any end in sight?

19 And on this I'd just like to point out that we
20 don't see an end in terms of potentially eligible projects
21 or the need to continue these projects and site cleanups.
22 I can tell you though that where we've directed and
23 focused, like areas of C&D sites, composting -- sham
24 composting, legacy open dumps where we've basically linked
25 that to the enforcement -- to develop our overall

1 enforcement programs, by and large, we have met with
2 success to prevent the reoccurrence. Not to say that they
3 may not come up again, but we have targeted, and then we
4 move on to another area -- a new area. And we have plenty
5 of these areas to continue to work on.

6 --o0o--

7 CLEANUP BRANCH MANAGER WALKER: The project
8 demand, it's broadened, it's expanded now into these other
9 areas. And so these projects and partnerships are a lot
10 more complicated. And so that's a challenge that we face.

11 The resources are strained. But, again, you
12 know, everybody's resources are strained, so we're not,
13 you know, like every other program in the Board.

14 Things like the disaster debris, the point is no
15 good deed goes unpunished. So Angora we are basically
16 asked to provide technical assistance in a number of areas
17 on the whole debris management issues that the State
18 faces. And so that does drain our resources.

19 Are we going to be asked to do another Angora,
20 drop everything and do it? I don't know. It's possible,
21 a very unique case. We don't know if that will happen.
22 If it does happen, then we'll be prepared to do it. But
23 in the meantime, we have a lot of technical assistance
24 demand.

25 And then, finally, the program right now is the

1 only backup we have to address non-water quality
2 corrective action for those 282 landfills subject to the
3 full financial assurances.

4 Our AB 2296 rulemaking will reduce that risk a
5 little bit. But until such time that we have, say, like a
6 pool fund-type program, this program is going to be
7 burdened with having to deal with that unless there's some
8 other way to deal with it.

9 And we can do that. It's very difficult. We
10 have done it. But I think the issue is so huge that it
11 really makes it difficult for us to -- we certainly can't
12 be relied on in taking care of the whole issue. But we
13 will do what we need to do when it happens if there's no
14 other backup.

15 So that would conclude my presentation. And the
16 idea here was to give you a broad presentation. We have
17 an agenda item, Item 4; we'll have a little video at the
18 Board meeting. And I guess I'd open it up to questions.

19 CHAIRPERSON MULÉ: Thank you, Scott. That was an
20 excellent presentation. I'm sure we have some questions.

21 Board Member Kuehl.

22 BOARD MEMBER KUEHL: Just one question, Mr.
23 Walker.

24 How do you prioritize the actions that will be
25 taken, you know, next or in the near future?

1 CLEANUP BRANCH MANAGER WALKER: We have a site
2 prioritization ranking system that we developed with Board
3 policy. And what we have is ranked sites A and B sites.
4 And we rank sites basically A-1 through 3. And so A-1 is
5 the highest rank. And then those sites are brought
6 forward. They're based on a comparison with state minimum
7 standards, where we judge the particular state minimum
8 standards and its threat - typically exposed waste, waste
9 contact. This is irrespective of water quality or air
10 quality, which we're limited to.

11 Now, the one thing in the highest priority sites
12 to note is that we may not be able to bring them to you at
13 the same time. If the enforcement case is active and we
14 haven't achieved the access, then it may still be in
15 court. And so another site that's A-1 may come a little
16 early. They'll come as fast as they're ready.

17 And so that's how we rank it under the Board's
18 policy. It's a flexible ranking system that we
19 established in '98 and continue to use that.

20 BOARD MEMBER KUEHL: And of these various kinds
21 of situations that you identified kind of individually, in
22 terms of whether it was, you know, wastewater or -- how --
23 within each category, would there be a high rank and then
24 a not-so-dangerous-to-public health rank kind of thing?

25 CLEANUP BRANCH MANAGER WALKER: Yes, there is.

1 The 1, 2, 3 numerical score relates to proximity to the
2 public. One is within 10,000 feet of public contact,
3 environmentally sensitive. Two is -- I believe it's
4 within one mile -- or one-half mile. And then three is
5 outside of that.

6 BOARD MEMBER KUEHL: And what's the difference
7 between A and B?

8 CLEANUP BRANCH MANAGER WALKER: B is -- A is
9 where there is considered a confirmed threat or a --
10 confirmed pollution or nuisance. There's a nuisance. We
11 also confirm nuisance or pollution as defined in State
12 regulations and statute.

13 B is where there's a significant threat of.
14 There may not be a violation of state minimum standard,
15 but there may be an area of concern. And so a B site
16 would be more there's a threat of.

17 BOARD MEMBER KUEHL: Thank you, Madam Chair.

18 CHAIRPERSON MULÉ: Any other questions?

19 Chair Brown.

20 COMMITTEE MEMBER BROWN: No question. I do have
21 a comment though.

22 This is an excellent presentation, Scott. And a
23 lot of it does resonate, because a lot we've done in the
24 last few years. And so I'm proud of what we've been able
25 to at least call on part of our watch.

1 But, you know, it's just striking to me that
2 we're most known for waste diversion, and yet these are
3 projects and really highlight our true mission, which is
4 to safeguard human health and the environment. And some
5 of these sites before and after, it's striking. And yet
6 these are not the things that the Waste Board is known
7 for. And we are out there day after day protecting the
8 environment. And as you said in your explanation to
9 Member Kuehl's question, it's the imminent threat to
10 public health that we look after and that rises these
11 cases to the highest level. And we're there time and
12 again to make those cleanups. And that's really not what
13 we're known for, but that's what we're most proud of.

14 So excellent job. Fifteen years, it seems like a
15 long time, but it's just a blip on the screen. And the
16 three years I've been here, I've been most proud of these
17 projects.

18 So thank you.

19 CHAIRPERSON MULÉ: Well, I just want to thank
20 staff for their outstanding work on all these projects.

21 You know, in the time I've been here watching
22 what you've been able to accomplish is nothing short of
23 amazing. And, again, I'll say it again, it's one of those
24 things that the Board does, but we don't often hear about.
25 So, you know, as I say quite often, we're one of the best

1 kept secrets in government for doing the kinds of things
2 that we do, especially with this program.

3 So, I just want to thank you, Wes; Mustafe, I see
4 him here; Carla - all the staff that works on these
5 projects, you are truly doing a service to the state, and
6 I want to thank you all for your work.

7 Thank you.

8 Let's move on then to Item 1 if there are no
9 further questions.

10 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

11 RAUH: Thank you, Chair Mulé.

12 We'll move on to Item 1, which is the
13 consideration of a full solid waste facility permit for
14 the Willits Solid Waste Transfer and Recycling Center in
15 Mendocino County.

16 And coming up now, I have Mark de Bie on my
17 immediate left. And to make the presentation, Reinhard
18 Hohlwein will be presenting the item.

19 MR. HOHLWEIN: Good afternoon, Board and
20 Committee members.

21 This item regards the revision of the solid waste
22 facilities permit for an existing large volume transfer
23 facility in the industrial portion of Willits in northern
24 Mendocino County.

25 This site is a traditional transfer station that

1 processes the waste from the Willits, Fort Bragg, and
2 coastal area. There has been a redesign of the facility
3 to allow for more effective resource recovery. And the
4 construction of a materials recovery facility and the
5 addition of a new building will increase the acreage of
6 the site, but there's no change in expected traffic. The
7 tonnage has been changed to show a daily average of 150
8 tons a day, with 180 tons per day maximum.

9 Review of the CEQA process was found to be
10 satisfactory.

11 The facility was inspected on December 30th of
12 last year in conjunction with the LEA and was observed to
13 be in compliance with the state minimum standards.

14 There has been no public opposition to the
15 expansion of this site. There are no residents in the
16 immediate area, which is best described as light
17 industrial.

18 All required findings have been made except the
19 conformance finding. The Mendocino County local task
20 force approved and amended nondisposal facility element to
21 reflect the proposed changes to the facility. The city of
22 Willits and the County of Mendocino Board of Supervisors
23 was scheduled to consider the amended NDFE between today's
24 Committee meeting and next week's Board meeting. Once the
25 amended NDFE is received from the county, it will be

1 processed for review and action by the Board's Executive
2 Director. The Board staff will provide updated
3 information regarding this issue at the Board meeting.

4 If the NDFE amendment is approved by the Board's
5 Executive Director before the January meeting, Board staff
6 will recommend concurrence on this item and the adoption
7 of Resolution 2009-10.

8 That concludes my presentation. And the LEA's
9 here if you have any questions.

10 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
11 RAUH: Madam Chair, if I could just add too one
12 postscript, that Trey Strickland is, of course, the
13 Mendocino County LEA and is also the responsible manager
14 for the Tire Cleanup Program that I mentioned in my Board
15 staff presentation.

16 CHAIRPERSON MULÉ: Oh, great.

17 Well, I do have a speaker slip for Trey. So if
18 you'd like to come forward.

19 MR. STRICKLAND: Thank you, Committee members.
20 I'm Trey Strickland, Mendocino County LEA. And I'm here
21 to support the revision for the Willits Transfer Station.

22 Jerry Ward opened the transfer station about ten
23 years ago, with the idea that he wanted to open a
24 transfers station the community could be proud to have in
25 the middle of town. And they've succeeded. They're an

1 exemplary facility. They run a handful of transfer
2 stations in the county, and all of them are -- you know,
3 it makes my job a lot easier.

4 The NDFE conformance findings approvals are
5 scheduled for today, tomorrow and Wednesday in our local
6 entities in Mendocino County.

7 And since Ted mentioned that Berger waste tire
8 cleanup, it's interesting -- pretty much the entire
9 cleanup was performed by a 78-year-old cancer survivor
10 with a 28-year-old kid helping him. And not only did they
11 have to move the tires almost half a mile to a staging
12 area, they also removed I don't know how many hundreds of
13 tires from wheels using a homemade contraption that Tom
14 Berger's father or grandfather had built. So they did a
15 really amazing job.

16 And while I'm here, I want to recognize Reinhard
17 Hohlwein and Mary Madison-Johnson have been extremely
18 helpful over the years, have really made my job easy, and
19 then bent over backwards to assist me. And those of you
20 that are familiar with Cold Creek Compost probably
21 understand a little more what I'm saying.

22 (Laughter.)

23 MR. STRICKLAND: And I know Mary's leaving at the
24 end of this month. And it's going to be a tremendous loss
25 for the Waste Board.

1 And since Kevin is here, Kevin, you've been great
2 too.

3 (Laughter.)

4 MR. STRICKLAND: So thank you very much for your
5 time.

6 CHAIRPERSON MULÉ: Thank you for being here,
7 Trey. And thank you for all of your work. And it really
8 is about all of us working together to resolve these
9 issues. So thank you -- again, thank you, staff, thank
10 you, Trey, for being here.

11 Let's see. Do we have any questions on this
12 item? Any questions?

13 No.

14 I think what we can do here is I think we can --
15 Elliot, help me with this. We can move the item and put
16 it on consent to the Board if it does move forward as a --
17 like a provisional conditional consent?

18 CHIEF COUNSEL BLOCK: Correct.

19 CHAIRPERSON MULÉ: All right. I just want to
20 make sure that we can do that, since the NDFE is not yet
21 formally approved.

22 COMMITTEE MEMBER BROWN: Or we can pull it if it
23 isn't approved.

24 CHIEF COUNSEL BLOCK: Right, if it's not
25 approved.

1 Well, and in fact, if the NDFE isn't approved, it
2 will be pulled from the agenda completely.

3 CHIEF COUNSEL BLOCK: It will be pulled?

4 COMMITTEE MEMBER BROWN: Yeah.

5 CHAIRPERSON MULÉ: Okay. So do I have a motion?

6 COMMITTEE MEMBER BROWN: We do. I move
7 Resolution 2008-010.

8 CHAIRPERSON MULÉ: I second that.

9 COMMITTEE MEMBER BROWN: Shouldn't it be 2009?

10 CHAIRPERSON MULÉ: I have 2009.

11 COMMITTEE MEMBER BROWN: Mine says 2008. So I
12 must have an old one. So let me revise my motion to say
13 2009-010.

14 CHAIRPERSON MULÉ: Mine says dash 10.

15 COMMITTEE MEMBER BROWN: It's not revised. My
16 motion is revised.

17 CHAIRPERSON MULÉ: Correct.

18 EXECUTIVE ASSISTANT DUCLO: I have it as revised.

19 COMMITTEE MEMBER BROWN: Oh, revised.

20 Okay. Revised.

21 CHAIRPERSON MULÉ: Okay. Thank you.

22 I'll second that.

23 So that was moved by Member Brown, seconded by
24 myself.

25 Please call the roll.

1 COMMITTEE MEMBER BROWN: Aye.

2 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 So we will put that on consent. And that will be
5 provisional -- conditional based on the approval of the
6 NDFE.

7 All right. Let's move then to Board Agenda Item
8 2.

9 Ted.

10 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

11 RAUH: Thank you, Madam Chair.

12 Item 2 is a very positive item we're very pleased
13 to bring you today. It's consideration of the completion
14 of Compliance Order IWMA BR04-04 for the city of Inglewood
15 in Los Angeles County.

16 And we're very pleased to be able to provide you
17 with information today about their very successful
18 completion of that order and that very high diversion
19 rates are being accomplished there now.

20 Here to present the item is Frank Simpson. And
21 to my right, Lorraine Van Kekerix, who's the Division
22 Chief; and then Trevor O'Shaughnessy, who is the Branch
23 Manager. We're all here in force today.

24 Thank you.

25 JURISDICTION COMPLIANCE & AUDIT SUPERVISOR

1 SIMPSON: Thank you, Ted.

2 Good afternoon, Madam Chair and Board members.

3 I'm Frank Simpson with the Jurisdiction Compliance and
4 Audit Section.

5 On November 9th, 2004, the Board determined the
6 city of Inglewood failed to fully implement both its
7 approved SB 1066 plan of correction and its Source
8 Reduction and Recycling Element. Based on the findings,
9 the Board adopted Compliance Order IWMA BR04-04 for the
10 city of Inglewood.

11 The compliance order required the city to work
12 with Board staff to determine gaps in program areas and to
13 make recommendations in improving, expanding, or
14 implementing new diversion programs. The Board staff
15 conducted a needs assessment meeting with the city and
16 outlined the scope of what was referred to at that time as
17 a local assistance plan. The city agreed to that plan on
18 February 28th, 2005.

19 Through the local assistance plan, the city
20 committed to and fully implemented a comprehensive concept
21 for waste diversion. Some of the major program elements
22 included:

23 An implementation of a commercial commingled
24 recycling program. The city provided recycling containers
25 of various sizes and service levels to meet business

1 needs.

2 The city supplemented the commercial recycling
3 program by sending waste to a waste-to-energy
4 transformation facility. And from 2005 to 2008 the city
5 sent an average of 6,600 tons of waste to energy
6 transformation from rates collected from business that
7 were participating in the source-separated program. The
8 city can claim up to a maximum of 10 percent diversion
9 credit for that transformation.

10 The city also put into place an automated three
11 cart residential curbside recycling program for collecting
12 waste, recycling, and green waste. This service is also
13 available to residents of multi-family housing of up to
14 four units.

15 And, finally, the city enacted a construction and
16 demolition ordinance and approved a construction and
17 demolition recycling program. The city provides notice to
18 all construction and demolition permit holders to remind
19 them of the city's exclusive agreement with the hauler for
20 collection, transportation, and diversion of construction
21 and demolition debris.

22 Board staff also monitored the compliance order
23 through the required quarterly reports, the review of
24 submitted data, conference calls, and multiple site visits
25 to the city. Staff's final field verification was

1 conducted November 17th, 2008.

2 As a result of staff's complete analysis and our
3 final visit, Board staff has determined that the city has
4 implemented in a timely manner all of the programs in the
5 local assistance plan required by the compliance order.

6 As program improvements continue to be made,
7 future diversion increases are being expected.

8 City staff has expressed to Board staff their
9 complete commitment to continue to implement, monitor, and
10 improve all diversion programs now in force.

11 And, finally, I'd like to express my deepest
12 gratitude to the folks down in the southern California
13 Long Beach office, namely, Steve Uselton and Primitivo
14 Nunez for their tireless efforts in assisting the city and
15 helping them achieve this wonderful success.

16 Board staff recommends that the Board adopt
17 Option 1 in the agenda item and end the city's compliance
18 order.

19 This concludes my presentation. And Angela
20 Williams from the city of Inglewood is in the audience to
21 answer any questions.

22 Thank you.

23 CHAIRPERSON MULÉ: Thank you, Frank.

24 Do we have any questions for staff or for Angela?

25 Angela, thank you for being here today.

1 Did you want to address the Committee?

2 Please come forward.

3 MS. WILLIAMS: Good afternoon. Angela Williams.

4 Can you hear me?

5 CHAIRPERSON MULÉ: You have to get very close to
6 that microphone.

7 MS. WILLIAMS: Good afternoon. Thank you.
8 Angela Williams, city of Inglewood.

9 I just wanted to thank the local assistance that
10 we received from the Long Beach office as well as the
11 Board today for consideration for moving up this
12 compliance order for us.

13 CHAIRPERSON MULÉ: Questions?
14 Chair Brown.

15 COMMITTEE MEMBER BROWN: I have a question for
16 Angela.

17 Were you able to implement all these changes with
18 your existing hauler or did all of this come as a result
19 of a new negotiation with the new hauler?

20 MS. WILLIAMS: Because of the strong partnership
21 with Waste Management, we entered into a new contract in
22 2004, and has been the result since that.

23 COMMITTEE MEMBER BROWN: Great. Congratulations
24 on making the turnover and the change and getting this
25 far. Good work.

1 MS. WILLIAMS: Thank you.

2 CHAIRPERSON MULÉ: Well, Angela, I, too, want to
3 thank you for all the hard work and our staff for all the
4 hard work they put into this. Because I recall when this
5 came before us in 2004, we were not pleased at all with
6 the lack of progress that the city was making. I mean,
7 they basically were not even implementing some of their
8 basic programs such as curbside recycling. So I'm seeing
9 that you are making an effort.

10 I will make a comment -- I mean, I do see in the
11 residential program you went from 61 tons diversion to
12 over 4,000 tons diversion, which is great. I just hope
13 that a smaller and smaller percentage of that goes to the
14 waste-to-energy for diversion credit, and that more of
15 that actually goes into real recycling into new products
16 though.

17 With that, are there any other questions?

18 Do I have a motion?

19 COMMITTEE MEMBER BROWN: I move Resolution
20 2009-11.

21 CHAIRPERSON MULÉ: Second.

22 It was moved by Chair Brown, seconded by myself.

23 We will substitute the previous roll, and we can
24 put this item on consent as well.

25 Thank you.

1 Okay. Ted, let's move then.

2 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

3 RAUH: Thank you, Chair Mulé.

4 The next item is consideration of the Tijuana
5 River Valley and Estuary Goat Canyon Trash Capture and
6 Removal System for the Solid Waste Disposal and Codisposal
7 Site Cleanup Program.

8 I'm welcoming back up two folks you've already
9 met.

10 I would like to just put this item in context for
11 all of you, in that the -- certainly the State of
12 California and the Board has had a considerable focus on
13 dealing with tire problems in the border region for a
14 number of years. And actually in the opening
15 presentation, we talked a little bit about the New River
16 Collaborative Project, which is one aspect, as this is
17 another, of dealing with the environmental problem that
18 results from a large number of waste tires in that region;
19 and in this specific case, where tires and waste are
20 actually flowing back from Mexico into California.

21 That certainly is not the only approach the Board
22 has taken and given staff direction on. We have a number
23 of other initiatives. We certainly have another item that
24 we'll hear after this one, which will actually facilitate
25 local governments in Mexico planning to try to deal with

1 these environmental concerns before they come back across
2 the border.

3 So the Board has taken a very aggressive stance
4 in this area. And we'll be talking about this in the next
5 item as two examples of that.

6 With that, I'd like to turn it over to Scott
7 Walker again.

8 CLEANUP BRANCH MANAGER WALKER: Thank you, Ted.

9 Scott Walker, Cleanup Branch.

10 (Thereupon an overhead presentation was
11 Presented as follows.)

12 CLEANUP BRANCH MANAGER WALKER: The proposed
13 Tijuana River Valley and Estuary Goat Canyon Trash Capture
14 Removal System is a proposed Board-managed project with an
15 estimated cost of \$250,000. The priority is A-1 with
16 respect to the exposure of trash to the public in an
17 environmentally sensitive area. And cost recovery is not
18 applicable. Public park, public contact source from
19 Mexico of the waste.

20 --o0o--

21 CLEANUP BRANCH MANAGER WALKER: This project
22 would utilize the Board's southern California remediation
23 contractor. And it's proposed to essentially get us, as
24 Ted mentioned, the Tijuana River Valley area -- the site
25 is within Border Field State Park. It's right on the

1 border, and it's within the Tijuana River National
2 Estuarine Research Reserve. And this is an
3 environmentally sensitive area. It's one of our dwindling
4 large areas of wetlands -- salt marsh wetlands in the
5 State of California, especially southern California. The
6 watershed is two-thirds discharge from Mexico and
7 one-third United States.

8 And Goat Canyon basins -- sediment basins were
9 constructed relatively recently by State Parks to
10 intercept a large quantity of debris, trash, tires, and
11 sediment, that's coming from Mexico down one of the major
12 tributaries, which is Goat Canyon. It's a femoral
13 stormwater flow, but dry most of the year.

14 --o0o--

15 CLEANUP BRANCH MANAGER WALKER: The Goat Canyon
16 basins. These basins -- most recently there's been a lot
17 of impact and strain on these basins this particular year.
18 They had some major storm events after a very extended dry
19 period. And the basins accumulate a large quantity of
20 tires, debris, and then floatable plastic and other solid
21 waste. And these materials, they get blended in with the
22 sediment, which impacts the ability of parks to manage,
23 remove and actually utilize the sediment. The sand they
24 can use as beneficial use. But with the trash and tires,
25 it renders it very difficult to do that.

1 But the trash and tires also bypasses the basin
2 and goes into the estuary, into the public access area and
3 into the wildlife reserve area.

4 The proposed project would consist of an initial
5 phase of installation of some of these trash tire netting
6 systems that State Parks has purchased, but they do not
7 have the funds or contractor to put these in place. And
8 this is a best management practice that's used, and it can
9 allow collection and removal of trash and tires before it
10 gets -- it passes through the basin or gets incorporated
11 in the sediment.

12 And so the Board would also, in this proposed
13 project, assist the State Parks in initial operation and
14 maintenance. We'd also follow up later this summer with
15 clean out of the basins, processing removal of the tires
16 and trash, and some improvements to the basin.

17 The project is evolving a little bit. The Phase
18 1 is pretty clear. We feel we can install these this wet
19 season and start to get some capture already. The coming
20 summer we may have to adjust a little bit. And if we have
21 to significantly adjust, then we'll come back to the Board
22 to have the Board evaluate that for consideration.

23 But right now this project -- we're recommending
24 this project, and would also tie in with State Parks'
25 responsibility to implement long-term operation and

1 maintenance of the system.

2 --o0o--

3 CLEANUP BRANCH MANAGER WALKER: I just wanted to
4 point out there are two other major sources of trash and
5 tires at Tijuana River Valley. There's Smuggler's Gulch
6 and there's the Tijuana River main channel. And
7 tremendous quantities of debris. It's really very
8 eye-opening to see the incredible quantities of trash that
9 comes down these and into the estuary area.

10 --o0o--

11 CLEANUP BRANCH MANAGER WALKER: And we're working
12 with a number of stakeholders, not just on Goats Canyon
13 but also these other main areas, in the Tijuana River
14 Valley Trash and Sediment Working Group. And it's a
15 collaborative partnership of a number of agencies and
16 nonprofits addressing the broad range of the trash and
17 tire issues and sediment issues in the entire watershed.
18 And there are subcommittees in four areas of focus:

19 The Border Subcommittee is working on solutions
20 on the California side to increase capture and divert
21 trash and tires before they reach the River Valley. And
22 the proposed project today ties directly into the Border
23 Subcommittee.

24 --o0o--

25 CLEANUP BRANCH MANAGER WALKER: The Cleanup

1 Subcommittee is dealing with -- there's a tremendous
2 quantity of sediment trash and tire that's already in the
3 watershed in the sediment, and this gets remobilized into
4 the system. And so we're also working on this with the
5 stakeholders. We may or may not in the future have
6 projects to bring before the Board specifically in that
7 area.

8 The Restoration Subcommittee is dealing with the
9 mitigation, restoration, and flood control aspects of the
10 ecosystem.

11 And then, finally, obviously the root cause is in
12 Mexico, and we're -- the consensus is we have to do
13 something on the California side. But ultimately we're
14 going to have to deal with the Mexico side too. And the
15 Binational Subcommittee is addressing that, and will be
16 further with the Mexican Government. I know there's been
17 a number of initiatives in this area. It's paralleling
18 that.

19 And also I'd like to point out that Item No. 8,
20 the scope of work for the Tire Management Plan that Darryl
21 Petker will present, ties directly in that aspect. And
22 the Board also has through the Tire Program primarily
23 brought forth resources and funding to work on some of
24 those issues -- those cross-border issues that we have in
25 the Tijuana River Valley.

1 --o0o--

2 CLEANUP BRANCH MANAGER WALKER: So in conclusion,
3 staff recommend approval of the proposed project and
4 adoption of Resolution 2009-12.

5 As with all our cleanup items, we have a slide
6 showing the fund status and contract status. If the Board
7 would like, we could run through that and explain the
8 latest status and where we are.

9 --o0o--

10 CLEANUP BRANCH MANAGER WALKER: But the fund is
11 in pretty good shape contract-wise -- trust fund. We have
12 a huge group of grants that we'll probably bring
13 forward -- we will bring forward next month. A lot of the
14 second cycle was very heavily utilized. But we still --
15 the fund status and contract status is still sound for the
16 foreseeable future.

17 That concludes staff's presentation. I'd be
18 happy to answer any questions.

19 Oh, we also have a representative from State
20 Parks, Tony Perez, here to speak before the Board if
21 requested.

22 CHAIRPERSON MULÉ: Thank you, Scott.

23 Yes, we do have a speaker slip. So please come
24 forward, Tony.

25 MR. PEREZ: Good afternoon, Madam Chair, Board

1 members. My name is Tony Perez. I'm Park Operations
2 Chief for Southern Division.

3 Just, again, State Parks appreciates the
4 relationship we've had with the Board and the projects
5 that we've had throughout the state. We believe the
6 Tijuana River Estuary is just an internationally
7 recognized resource that, with your support in being able
8 to continue to control the trash, which is going to play a
9 huge part in protecting that estuary.

10 The proposed improvements to the sediment basins
11 at the Border Field is going to successfully control some
12 of that solid waste that we continue to get year after
13 year. And much of that goes into the estuary and
14 ultimately into the ocean.

15 And so, again, I'm asking for your support. And
16 I want to thank you again for your consideration.

17 CHAIRPERSON MULÉ: Thank you for being here.

18 Do we have any questions?

19 No questions?

20 No.

21 All right. Do I have a motion?

22 COMMITTEE MEMBER BROWN: I decided to forgo
23 questions or comments, Scott. It's just startling looking
24 at those photos.

25 CHAIRPERSON MULÉ: It is.

1 COMMITTEE MEMBER BROWN: I move Resolution

2 2009-12

3 CHAIRPERSON MULÉ: Second.

4 So that was moved by Chair Brown, seconded by
5 myself.

6 Please call the roll on this one.

7 EXECUTIVE ASSISTANT DUCLO: Member Brown?

8 COMMITTEE MEMBER BROWN: Aye.

9 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

10 CHAIRPERSON MULÉ: Aye.

11 And we will put that on fiscal consent for the
12 full Board.

13 Thank you, Scott. This is really a great example
14 of different state agencies working together, leveraging
15 funding, again to address some serious environmental
16 issues.

17 So thank you for being here, Tony.

18 Our next item, we're going to jump over to Board
19 Agenda Item 8.

20 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

21 RAUH: Yes. Thank you, Chair Mulé and members.

22 Item 8 is consideration of the Scope of Work for
23 Technical Assistance for the Development of a Model
24 Integrated Waste Tire Management Plan for the State of
25 Baja California, Mexico.

1 And this is the other part of our focus -- the
2 Board's focus that I wanted to mention. I think within
3 our presentation we'll touch on some of the other
4 contractual efforts the Board is engaged in to basically
5 help the State -- Mexico, in general, and certainly the
6 State of Baja to get ahold of -- to understand this
7 problem and get ahold of it. And in this particular area,
8 we're addressing specifically how tires are managed in
9 that region.

10 With that, again back before you, Lorraine Van
11 Kekerix. And here to make the presentation, Darryl
12 Petker.

13 Thank you.

14 (Thereupon an overhead presentation was
15 Presented as follows.)

16 MR. PETKER: Good afternoon, Madam Chair and
17 Board members. Darryl Petker here to present this item
18 for you.

19 You've already heard a little bit about this.
20 And this is -- excuse me. These glasses aren't fitting as
21 well as they were.

22 The item here is to kind of give you a high level
23 approach to what we're doing with Baja. And it seems to
24 be the consensus that this is needed.

25 So if we can kind of move along.

1 --o0o--

2 MR. PETKER: Here's the title. And I'll kind of
3 go over this.

4 Consideration of Scope of Work for Technical
5 Assistance for Development of a Model Integrated Waste
6 Management Tire Plan for the State of Baja California,
7 Mexico.

8 Again, I want to emphasize in there -- and in
9 dealings we've talked about that, that this is a -- it's
10 the framework for a model is what we're looking to do at
11 this point.

12 --o0o--

13 MR. PETKER: Okay. A little bit of background.

14 In 2003, Mexico implemented a requirement for all
15 their states to work with their municipalities to come up
16 with waste management plans. And those waste management
17 plans, similar -- not dissimilar to what we have, also
18 included a tire portion of that. That's what we're
19 talking about today.

20 Currently, our five-year plan calls for technical
21 support with Baja to help them develop that waste tire
22 segment of their overall Waste Tire Management Plan. Now,
23 that management plan will be used not only to help Baja,
24 but it will serve, what we hope to be in a general sense,
25 a framework, a model, something that could be transferred

1 to the other states and other municipalities within
2 Mexico; so we can focus on one and then be shared. And
3 they're anticipating that. So that they understand that's
4 what we're doing.

5 --o0o--

6 MR. PETKER: Again, the goal - I've kind of said
7 this - but is to provide a high-level technical assistance
8 to Baja California, Mexico, for the development of a
9 framework - again, just a framework, a high-level part -
10 we're not going to get too much into the details with this
11 - for the waste tire portion of their integrated plan.

12 --o0o--

13 MR. PETKER: Now, the purpose is to find a
14 contractor that is capable to help develop that framework
15 and work with Baja California officials in getting that in
16 place.

17 I mentioned earlier that it will be worked
18 with -- it can be used for other Mexican states down there
19 and other municipalities.

20 What we're proposing is \$120,000 in the first
21 year to develop the work. And then \$20,000 in the two
22 following years as follow-up, if necessary.

23 --o0o--

24 MR. PETKER: So in the agenda item, we have three
25 options. They're listed here on the screen.

1 Our recommendation is: Approve the proposed
2 scope of work and adopt Resolution 2009-15.

3 --o0o--

4 MR. PETKER: Now, that was kind of quick. And
5 this is important and there's other things involved. So
6 if you have questions, comments, I'd be happy to pass it
7 up the chain of command.

8 (Laughter.)

9 CHAIRPERSON MULÉ: Thank you, Darryl.

10 (Laughter.)

11 CHAIRPERSON MULÉ: Thank you.

12 I think it might be helpful to explain for our
13 new members our limitations on expending funds outside of
14 the State of California.

15 Elliot, do you want to address that?

16 CHIEF COUNSEL BLOCK: Sure. I didn't know this
17 question was coming. Let me just think for a moment how
18 detailed of an answer to give.

19 I mean, in general, we are limited in spending.
20 As with almost all of the funds that the Board has, these
21 are special funds. They're fees, not taxes. And so they
22 are limited to purposes outlined in the statute.

23 The statute that we have provides for a number of
24 things to be done with tire funds; basically, with a
25 couple of specific exceptions, activities within the state

1 of California. The statute does provide a couple of items
2 that can be -- tire funds can be spent on related to
3 border activities. And so we're always being very careful
4 to stay on the correct side of that line in terms of
5 expenditures that we're making.

6 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

7 RAUH: If I might just add, too. And that's why we're
8 developing a framework which has a generic value, but
9 would provide the basis for each municipality and the
10 State of Baja to be able to develop their own plan but
11 look and check it against this framework and be able to
12 assure themselves that they are covering all the bases.
13 And the add-on assistance is again just to provide any
14 clarification or interpretive assistance that's necessary
15 to make sure they understand the framework and can
16 translate that into each local municipal and state level
17 entity.

18 CHAIRPERSON MULÉ: Thank you.

19 Chair Brown.

20 COMMITTEE MEMBER BROWN: Do you want to also
21 add -- I know in our discussions, the other pieces of the
22 Tire Plan that really work in tandem with this, which is
23 the tire flow study. We've done such a great job over the
24 last six or so years in eradicating all the large tire
25 piles throughout the state. And what we're doing -- the

1 surveillance, the CHP surveillance that we've got plus the
2 fire -- I can't even talk, too many consonants -- tire
3 flow study to assist us in helping them with the issue of
4 tires back and forth over the border.

5 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

6 RAUH: Yes, I'll take a quick stab at that. The tire flow
7 study is one we've been working with our contractors, the
8 University of San Diego -- State or -- State. Thank you.
9 And with that facilitation, they've been working with Baja
10 in looking at the tire flow, the tires moving back and
11 forth across the border, where they are in Mexico and the
12 State of Baja and what problems they pose for all of us in
13 terms of that flow of tire movement. And that will, of
14 course, be a key part of their being able to effectively
15 plan how to manage those tires.

16 As far as surveillance and enforcement, we
17 have -- we make use of the CHP. We did cover briefly the
18 use of CHP in this collaborative effort on the new river,
19 which has a substantive amount of contamination, used tire
20 piles, over 60 sites, which are nearly complete -- most
21 are nearly completed remediation now. We reported on that
22 at our last meeting and we'll be reporting on that again
23 in spring when we complete that effort.

24 Also, we have an educational program where we've
25 identified and developed educational curriculum. Again,

1 put it together here, had it translated in Spanish,
2 basically piloted it and then provided a training for
3 trainers for the educational system of Mexico -- or Baja.
4 Excuse me. And that program is now being utilized by
5 10,000 teachers throughout the State of Baja in providing
6 solid waste and tire management curriculums at all levels
7 of education. And that program will be continuing. We're
8 getting ready now through CalePA to reprint the material
9 so it can go through another cycle of train the trainers
10 with Baja educators.

11 So those are the basic building blocks of our
12 effort down there right now.

13 CHAIRPERSON MULÉ: Board Member Kuehl.

14 BOARD MEMBER KUEHL: Thank you, Madam Chair.

15 When we enter into a contract like this, this
16 \$120,000 contract, is it just between us and a contractor
17 to provide a framework and that's the way that we provide
18 technical assistance, but we're in charge of the
19 expenditure of the money, who the contractor is, how they
20 develop a framework? Do we approve the framework? Is it
21 just between us and that contractor?

22 CHIEF COUNSEL BLOCK: Correct. And Attachment 1
23 in the item is the scope of work, which actually would
24 have the details of the tasks.

25 COMPLIANCE, EVALUATION & ENFORCEMENT DIVISION

1 CHIEF VAN KEKERIX: Right.

2 This is Lorraine Van Kekerix.

3 We will -- we have the scope of work. We'll put
4 it out for the Request For Proposal process, see what
5 contractors we get in. We will select a contractor.

6 Some of the tasks in there include meeting with
7 officials down in Baja both before and after the framework
8 is developed so we'll have a chance to get their feedback.
9 But we will ultimately approve the product, and all the
10 contract management will be handled here by the staff.

11 BOARD MEMBER KUEHL: And do we have issues like
12 this with other neighbor states -- American states, where
13 trash is generated, flows into our state, and we've
14 entered into some kind of arrangement with them? I mean,
15 I don't know, Arizona, Nevada, Oregon, you know, the other
16 borders.

17 COMPLIANCE, EVALUATION & ENFORCEMENT DIVISION

18 CHIEF VAN KEKERIX: I have not heard of problems. When we
19 take a look at export of trash out of California, it's
20 typically only a couple percent of the trash that's
21 generated within California. There are a number of cities
22 that have contracts with landfills out of state. The City
23 of Sacramento is one of them that has a contract with
24 Lockwood in Nevada.

25 But typically we don't hear about the same kind

1 of issues as we have with the border region and the tire
2 flow issue.

3 BOARD MEMBER KUEHL: So do we -- I guess my
4 question was really whether do we have similar contracts
5 or where we've put a bit of money in to hire someone to do
6 technical assistance to any other state because we have a
7 joint problem or a problem they've generated that becomes
8 a problem for us?

9 No. This is it?

10 COMPLIANCE, EVALUATION & ENFORCEMENT DIVISION

11 CHIEF VAN KEKERIX: Not that I know of.

12 BOARD MEMBER KUEHL: Okay. Thank you, Madam
13 Chair.

14 CHAIRPERSON MULÉ: Any other questions?

15 I have a quick question on the level of funding.
16 I just want to know, I guess, if you think the amount that
17 you're proposing is adequate?

18 COMPLIANCE, EVALUATION & ENFORCEMENT DIVISION

19 CHIEF VAN KEKERIX: We have not done a contract for a
20 model planning document since 1993. Now, if you look at
21 inflation, this amount would look like it's adequate,
22 because we didn't pay much for the agreement that we had
23 for our own model plans.

24 I think that we will have an opportunity to see
25 whether we get responses from contractors on the amount of

1 money. And you will be considering the new update to the
2 five-year tire plan in May. And if there's an issue, the
3 Board could direct more funds to it in that new five-year
4 plan when you -- it's currently scheduled to be heard by
5 the Board in May.

6 CHAIRPERSON MULÉ: Okay. Thank you.

7 Well, I just want to make sure that if we're
8 going to pursue this project, we want it to be done right.
9 And so if we're going to do it right, we want to ensure
10 that we have adequate funding for it.

11 COMMITTEE MEMBER BROWN: Okay. I was reviewing
12 this. If it's not adequate, we won't have a bidder. So
13 then we'd know and we'd take it up again in the next
14 five-year tire plan. So we'll know probably in the next
15 couple of months.

16 So I'll move Resolution 2009-15.

17 CHAIRPERSON MULÉ: Second.

18 It's moved by Member Brown, seconded by myself.

19 Could you call the roll, Donnell.

20 EXECUTIVE ASSISTANT DUCLO: Member Brown?

21 COMMITTEE MEMBER BROWN: Aye.

22 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

23 CHAIRPERSON MULÉ: Aye.

24 We will put that on fiscal consent as well.

25 Thank you. Thanks, Darryl, Lorraine.

1 All right, Ted. I think we go back to Board

2 Agenda Item 5.

3 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

4 RAUH: I tell you, this is really a puzzlement to keep up
5 with this flipping my book around here.

6 Item 5 is a Consideration of Grant Awards for the
7 Farm and Ranch Solid Waste Cleanup and Abatement Grant
8 Program. And with the exception of me, my staff's getting
9 plenty of exercise getting up and down here today.

10 To my right, Bill Orr again, Scott Walker. And
11 to make the presentation is Carla Repucci.

12 Carla, please.

13 MS. REPUCCI: Good afternoon, Chair Mulé and
14 Committee members. My name is Carla Repucci, and I will
15 present Item F, for the consideration of four applications
16 for Farm and Ranch Solid Waste Cleanup and Abatement
17 grants.

18 The amount requested in these applications is
19 \$134,887 and represent the second award of this fiscal
20 year. There is \$809,244 in the fund.

21 Four grant applications were received this cycle
22 from the counties of Placer and Merced, and the Resource
23 Conservation Districts of Sloughhouse and Sutter. Each of
24 the four applications were reviewed for eligibility and
25 scored. And all applicants utilized the revised

1 nonresponsibility affidavit approved by the Board in June.

2 One of the applications received is for
3 reimbursement of expenditures to a property owner in
4 Merced County. This grant application was approved by the
5 Board in March. However, the county was unable to return
6 the grant agreement within 90 days and the grant was
7 revoked.

8 The county is now reapplying and has assured
9 staff that the grant agreement will be returned in a
10 timely manner.

11 Another application of note is the application
12 from the Sloughhouse Resource Conservation District. It's
13 to clean up a large tire pile. It is believed that the
14 tires at this site actually came from a site upstream and
15 that that site is actually going to be cleaned up under a
16 farm and ranch grant later this spring.

17 To alleviate the possibility of future dumping,
18 each applicant is taking prevention measures. Merced
19 County has increased surveillance and they will post
20 signs. Sutter County will post signs at each of the four
21 sites in addition to the installation of fencing and
22 security gates.

23 Each of the sites in the Sloughhouse and Placer
24 applications will post signs. And each site is already
25 fenced and gated, so the possibility of future dumping is

1 negligible.

2 If the proposed grants are approved as
3 recommended, \$674,357 will remain in the fund.

4 Agenda Item F is for the consideration of four
5 grant applications for Farm and Ranch Solid Waste Cleanup
6 and Abatement grants. Each of the applications meet the
7 eligibility requirements set forth by the statute.
8 Therefore, staff recommends the Board adopt Resolution
9 2009-13 authorizing the award of up to \$134,887 for the
10 grant applications from the counties of Placer and Merced
11 and the Resource Conservation Districts of Sloughhouse and
12 Sutter, and directing staff to develop and execute grant
13 agreements.

14 This concludes my presentation. I would be happy
15 to answer any questions. And representatives from Placer
16 County and the Sloughhouse Resource Conservation District
17 are here, as well as Merced, I think.

18 Thank you.

19 CHAIRPERSON MULÉ: Thank you, Carla.

20 We do have two speakers. First is Ron Rowe from
21 Merced County.

22 MR. ROWE: Good afternoon. Ron Rowe, Merced
23 County.

24 Just a very brief explanation as to why we were
25 unable to return that first application in 90 days. The

1 former manager responsible for that position retired, and
2 there was a three-month period where no one was in that
3 position. I have taken over that position as of July.

4 And if you have any questions, I'd be happy to
5 answer them.

6 CHAIRPERSON MULÉ: I don't think we have any
7 questions. So thank you for being here --

8 MR. ROWE: All right. Thank you.

9 CHAIRPERSON MULÉ: -- and thank you for the
10 explanation. We appreciate it.

11 MR. ROWE: All right. Thank you very much.

12 CHAIRPERSON MULÉ: Okay. Our next speak is Terry
13 Leveille.

14 MR. LEVEILLE: Madam Chair, Committee members and
15 Board members. Terry Leveille representing TL &
16 Associates, and representing the California Tire Dealers
17 Association today, for the edification and the education
18 of the new board members that are on board here today.

19 Our role -- my role is to deal with the issues of
20 the Tire Fund. About \$40 million a year is collected from
21 the tire fees. Our members and the tire association and
22 the tire dealers, independents, collect those dollar
23 seventy-five for the sale of each tire. And we've worked
24 very closely with the past Board, and they've been very
25 conscientious about making sure that these tire monies go

1 to tire programs only.

2 This Farm and Ranch Program's kind of a hybrid
3 because it's -- about 40 percent of it is funded by the
4 Tire Fund and about 60 percent from other funds. And
5 that's -- we've argued in the past that that's probably a
6 little much because there aren't that many tires that are
7 cleaned up in this fund. But for the most part, the idea
8 behind the program was -- it was a bill by Senator Lockyer
9 several years ago to focus on cleanups of trash and tires
10 on property that had been illegally dumped. And the
11 homeowners have applied for the program through a local
12 jurisdiction, and with the expectation that there might be
13 some assistance from the State for these types of -- for
14 these types of dumping that they weren't responsible for.

15 In this case, there's one item in here, which is
16 Placer County, that is similar to one that we've worked
17 with in the past in which they actually -- the homeowner
18 assumed the property several years ago, and the tires were
19 used as a corral, as I recall, to keep their horses in.

20 The property owner knew these tires were there.
21 They weren't illegally dumped. They were brought there by
22 a prior property owner. And when the corral started
23 falling apart, they said that they couldn't afford the
24 \$2,000 or so to get it cleaned up. And apparently they
25 had done some work prior to that.

1 Our feeling is, from the tire dealer's
2 perspective, this is kind of a misuse of this particular
3 program, because we're only talking about a very small
4 amount. We're talking about a property where the owner
5 actually knew that the tires were on the property when
6 they came in. It wasn't illegal dumping. It kind of goes
7 against the grain and the intent of Senator Lockyer's
8 original legislation. This is supposed to be for illegal
9 dumping.

10 I did note that on the Sloughhouse Resource
11 Conservation District that the focus was on keeping the
12 tires away from the cows that were possibly tripping on
13 them. I thought that was kind of an interesting little
14 side note. I didn't realize that cows had problems with
15 their footwork on these particular things. We don't have
16 a problem with that particular cleanup.

17 COMMITTEE MEMBER BROWN: Is it the peripheral
18 vision or the up down, being able to see where they're
19 walking?

20 MR. LEVEILLE: We don't have a problem with the
21 Sloughhouse one or the other two really. The only one we
22 wanted to raise -- and, you know, we're not talking about
23 a lot of money here. It's just sort of the intent of what
24 the program's for. And that was our only case, is more of
25 a symbolic gesture, to be up here.

1 So thank you very much.

2 CHAIRPERSON MULÉ: Thank you, Terry.

3 Do we have any questions for staff on these
4 items?

5 Do we have a motion?

6 Oh, actually, yeah, we have several --

7 COMMITTEE MEMBER BROWN: We have several motions.

8 CHAIRPERSON MULÉ: -- resolutions here. Well,
9 actually it looks like there's -- they're all in one.

10 Does staff want to respond to Mr. Leveille's
11 comment on Placer County regarding that particular -- you
12 know, that particular project?

13 COMMITTEE MEMBER BROWN: It's not a significant
14 one. It's a couple thousand dollars. Are you going to
15 die on your sword on that one?

16 I'm kidding, Terry. It's symbolic, I know.

17 BOARD MEMBER LAIRD: It's not enough to get him
18 out of his seat again.

19 COMMITTEE MEMBER BROWN: I know.

20 CLEANUP, CLOSURE & FINANCIAL ASSURANCE DIVISION

21 CHIEF ORR: This is Bill Orr. I'm the Chief of the
22 Cleanup, Closure & Financial Assurances Division. I've
23 been shuttling back and forth, so I feel like I need to
24 earn my keep.

25 The one thing I just wanted to point out was that

1 you'll notice under item history, that the Board actually
2 made some revisions to the criteria in the scoring at its
3 June meeting to try to address the situation that Mr.
4 Leveille referred to. We feel that we've incorporated
5 some additional provisions in terms of the affidavit to
6 the program to ensure that the nature of the cleanups is
7 consistent with the intent of the legislation. And so I
8 believe staff is comfortable with this proposal.

9 CHAIRPERSON MULÉ: Okay. Thank you.

10 And then also on the Sloughhouse project, you
11 indicated that there's -- the other site upstream is
12 slated for a cleanup as well. Is that going to be
13 scheduled so the upstream is cleaned first and then the
14 downstream one, or how's that going to work?

15 MS. REPUCCI: Well, the one that's upstream is
16 slated to be cleaned up this spring.

17 CHAIRPERSON MULÉ: Okay. And then --

18 MS. REPUCCI: They are here from the Sloughhouse
19 RCD if you had more specific questions.

20 CHAIRPERSON MULÉ: Okay. And so then this
21 project would follow that?

22 MS. REPUCCI: I would assume they would wait
23 until the following -- or next spring.

24 CHAIRPERSON MULÉ: I'm seeing you shake your head
25 "yes". So, okay.

1 All right. We just wanted to make sure that we
2 do this so that it makes sense. Okay?

3 Good.

4 Thank you.

5 Okay. Do I have a motion?

6 COMMITTEE MEMBER BROWN: Well, I do want to
7 clarify for Terry. And I apologize for phrasing it that
8 way.

9 I will say I know that the tire dealers do not
10 love the Farm and Ranch Program, because it's very
11 difficult to identify how many tires and what percentage
12 when we do these programs. And you do have an interest
13 and a stake in the funds and how they are expended. And
14 this is a little bit on the edge when they start pulling
15 stuff away and they just don't have the extra money. So
16 it's on the edge, but it does qualify with the criteria
17 that we have in place currently.

18 MR. LEVEILLE: Right. And as I say, we're not
19 going to -- I'm not going to fall on the sword on that
20 one. But, you know, the --

21 COMMITTEE MEMBER BROWN: It's an insignificant
22 amount.

23 MR. LEVEILLE: The original intent of Senator
24 Lockyer's legislation was to work at the illegal dumping,
25 not the guy that buys some property with a corral that's

1 made out of tires and then says that he can't afford to
2 get rid of the tires when the corral falls apart. I mean,
3 that's just not --

4 COMMITTEE MEMBER BROWN: Well, and that's why I
5 say it's a little bit on the edge, but it satisfies the
6 criteria.

7 MR. LEVEILLE: I know that the Board has changed
8 a little bit, done some modifications from Senator
9 Lockyer. And I haven't heard his reaction.

10 Thank you.

11 CHAIRPERSON MULÉ: Thank you.

12 Board Member Kuehl.

13 BOARD MEMBER KUEHL: I guess my question would be
14 about the previous owner and whether the previous owner
15 imported 1,100 tires to build a corral, which seems a
16 little unlikely to me. I mean -- do you know?

17 MS. REPUCCI: I'm going to let the county field
18 that question. Paul Holloway is here from Placer County.

19 BOARD MEMBER KUEHL: Hi there.

20 CHAIRPERSON MULÉ: Good afternoon.

21 MR. HOLLOWAY: Hi. How are you?

22 CHAIRPERSON MULÉ: Please state your name for the
23 record.

24 MR. HOLLOWAY: My name is Paul Holloway of the
25 County of Placer.

1 As far as we know -- we don't know any history
2 beyond that the tires were there when the current owner
3 purchased the property.

4 BOARD MEMBER KUEHL: Well, I guess then I could
5 also imagine that they were illegally dumped on the
6 property, that the owner said, "What the hell, I think
7 I'll use them for a corral."

8 MR. HOLLOWAY: That is entirely possible.

9 BOARD MEMBER KUEHL: And then the new owner
10 bought it. So by my light, it's just as possible that it
11 does satisfy the purpose.

12 MR. HOLLOWAY: That is entirely possible.

13 CHAIRPERSON MULÉ: Thank you.

14 COMMITTEE MEMBER BROWN: Well --

15 CHAIRPERSON MULÉ: Do I have a motion?

16 COMMITTEE MEMBER BROWN: -- if there are no
17 further questions, I'll move Resolution 2009-13.

18 CHAIRPERSON MULÉ: Second.

19 That was moved by Chair Brown, seconded by
20 myself.

21 Please call the roll.

22 EXECUTIVE ASSISTANT DUCLO: Member Brown?

23 COMMITTEE MEMBER BROWN: Oh, I thought we were
24 going to substitute the previous --

25 EXECUTIVE ASSISTANT DUCLO: No. It's just for

1 consent.

2 COMMITTEE MEMBER BROWN: Sorry. Aye.

3 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

4 CHAIRPERSON MULÉ: Aye.

5 We'll put that on fiscal consent for the full

6 Board.

7 Thank you, all. I appreciate your being here.

8 Let's move to Board Agenda Item 6.

9 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

10 RAUH: Yes. Thank you, Chair Mulé.

11 Item 6 is a Discussion and Request for Rulemaking

12 Direction on Noticing Revisions to the Existing Waste Tire

13 Hauler Registration and Manifesting Regulations for an

14 additional 15-day comment period.

15 Here to present this item -- we have Cathy Blair

16 to present the regulations. And to her right we have Jim

17 Lee.

18 Please, Kathy.

19 MS. BLAIR: Good afternoon, Chair Mulé and

20 members of the Committee. My name is Cathy Blair. I'm an

21 integrated waste management specialist in the Tire Hauler

22 Compliance Section.

23 Today, I will be presenting the discussion and

24 request for rulemaking decisions on noticing revisions to

25 the existing waste tire hauler registration and

1 manifesting regulations for an additional 15-day comment
2 period.

3 On June 10th, 2008, the Tire Hauler Compliance
4 Section presented the discussion and request for
5 rulemaking direction on formally noticing proposed
6 revisions to the regulation to clarify the waste tire
7 hauler manifesting requirements, Item No. 18 at the
8 Strategic Policy and Development Committee, where staff
9 was directed to begin the formal rulemaking process. A
10 45-day public comment period on the proposed revision ran
11 through October 3rd to November 17th. Board staff
12 received only one comment via an Email during the public
13 comment period. In addition, staff received one comment
14 letter and one Email after the comment period ended.

15 On December 8th, Board staff conducted a public
16 hearing to provide additional opportunity to comment on
17 the proposed regulation. Only one member of the public
18 appeared at this hearing and made the same comments that
19 were made during the submission of a 45-day comment
20 period.

21 Staff received two public comments making
22 reference to agricultural hauling, one requesting
23 exemption, the other requesting further clarification.
24 Staff believes that exempting agricultural haulers --
25 users from hauler regulation is substantive and

1 controversial changes beyond the scope and intent of the
2 proposed regulation of the change package. The staff will
3 be meeting with the parties at a later date and time to
4 discuss these changes.

5 Board staff is requesting an additional 15-day
6 comment period to include changes requested by the public
7 as well as changes provided by staff while working with
8 the Legal office.

9 Key points that staff would like to bring to
10 your -- to the Committee's attention: One, staff proposes
11 to amend the waste tire hauler registration process, to
12 make use of vehicles without valid registration is grounds
13 for disciplinary action.

14 Here I'd like to bring to your attention to point
15 out that there is a change in the agenda item. Section
16 No. 18456.2 should read "valid motor vehicle
17 registrations" instead of "valid Department of Motor
18 Vehicle Registrations," as some of our waste tire haulers
19 are registered in states other than California.

20 Staff proposes to amend the information provided
21 on the waste tire hauler application to include storage
22 locations of vehicles for the use -- for the purposes of
23 hauling tires.

24 Staff proposes to amend the language to reference
25 the correct form number when reporting facilities that do

1 not comply with the CTL manifesting requirements. Staff
2 proposes additional language to be added requiring the
3 end-use facility maintain copies of their CIWMB 204s for a
4 period of three years to be consistent with other
5 requirements for maintaining waste tire hauler forms.

6 Staff proposes that additional language be added
7 to improve the Board's ability to serve used and waste
8 tire haulers, used and waste tire generators and in
9 facilities with accusations and administrative complaints.

10 Lastly, according to public comment received
11 during the 45-day comment period, staff proposes to amend
12 the language to allow for denial or revocation of a waste
13 tire hauler registration when it has been determined that
14 waste tire haulers have been found in violation of
15 federal, state, or local laws related to waste tire
16 hauling business.

17 In conclusion, staff recommends that the
18 Committee direct staff to commence the additional 15-day
19 comment period on the revisions to the regulations to
20 clarify waste tire hauler requirements.

21 This concludes my presentation. Are there any
22 questions that I can answer?

23 CHAIRPERSON MULÉ: Thank you.

24 Any questions?

25 Yes, Board Member Kuehl.

1 BOARD MEMBER KUEHL: I'm just trying to
2 understand. The regulations that were proposed without
3 these revisions had a 45-day hearing period; is that
4 correct?

5 MS. BLAIR: That is correct.

6 BOARD MEMBER KUEHL: So now there are proposed
7 revisions but the request is only for an additional 15
8 days?

9 MS. BLAIR: Well, we've gone through the 45-day
10 comment period.

11 BOARD MEMBER KUEHL: But there are some revisions
12 that were not heard during the 45 days?

13 COMPLIANCE, EVALUATION & ENFORCEMENT DIVISION
14 CHIEF VAN KEKERIX: It's correct that we've done a 45-day
15 comment period. If we have additional proposed changes
16 and they aren't deemed to be substantial, we can do a
17 15-day comment period. And that's what staff is
18 proposing.

19 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
20 RAUH: And that 15 days is just for those changes.

21 BOARD MEMBER KUEHL: And the changes to the
22 personal service section, do those reflect exactly a
23 personal service section somewhere else in regulation not
24 related to this? Because the question of substituted
25 service is not necessarily non-substantive. Since the

1 whole matter of notice is sort of the "it" of it, you
2 know, "Did you get your notice?" And we're saying, if
3 we're not serving you directly, this will constitute
4 substitute service.

5 I was very pleased to see it be a little more set
6 out than just the "any means selected by the agency,"
7 which was the previous language.

8 But is 15 days sufficient to comment because
9 these are exactly like regulations in other places
10 or -- not to contradict. I think -- substantively about
11 the rest of it, I think you're right, you ought to have a
12 valid, you know, license and you're going to use this form
13 instead of that form. But I was interested in the service
14 aspect of it.

15 CHIEF COUNSEL BLOCK: Sure. Let me answer a more
16 procedural question first, just to amplify. And then I'll
17 ask Wendy Breckon from our office to talk about the
18 service specifically.

19 The 45-day comment period and the 15-day comment
20 period is actually the -- is the standard Administrative
21 Procedure Act process.

22 I forget who it was just a moment ago that used
23 the term "significant change." But actually what -- when
24 the Office of Administrative Law deals with these issues,
25 what would require after that first initial 45-day comment

1 period something longer than a 15-day comment period is if
2 the change is something that's outside the scope of the
3 original rulemaking.

4 So in other words, if we were to add a new topic
5 that wasn't part of what was part of that original
6 rulemaking, then we would be required to go back to a
7 45-day comment period. As long as it's within the
8 original topics that were there and it's changes to
9 provisions that were in that original package, that's --
10 the requirement is for a 15-day comment period.

11 BOARD MEMBER KUEHL: I understand it meets the
12 requirements of the Act. But if you change something from
13 red to blue, you know, it could be substantial.

14 CHIEF COUNSEL BLOCK: Right.

15 BOARD MEMBER KUEHL: If you said, you know, you
16 had a 60-day notice period, now we're changing it to 10
17 days, but the notice period was in the original scope, so
18 consequently you only have -- we only have to give you two
19 weeks to make a comment on it. I'm just wondering, from
20 my point of view, is this a fairly standard section and
21 therefore people might have some reason to expect that
22 that's how we're going to do substituted service? Or are
23 we sort of making this up as we go along?

24 CHIEF COUNSEL BLOCK: And so then I'd like to
25 have Wendy Breckon from my office answer that question. I

1 just wanted to make sure that I made the framework clear.

2 BOARD MEMBER KUEHL: I do understand that, you
3 know it's -- I know that we're new on the Board. But we
4 have -- probably the three newbies have something like 30
5 years experience with these laws, so we really do get it.

6 SENIOR STAFF COUNSEL BRECKON: Wendy Breckon,
7 Senior Staff Counsel with the Waste Board.

8 I actually used as a model for this substitute
9 service provision one of the Code of Civil -- I think it
10 was, CCP, Code of --

11 BOARD MEMBER KUEHL: -- Civil Procedures.

12 SENIOR STAFF COUNSEL BRECKON: -- Civil
13 Procedures. Sorry.

14 And I can't -- I didn't bring with me which code.
15 I was looking --

16 BOARD MEMBER KUEHL: Right. No, it is in the
17 CCP.

18 SENIOR STAFF COUNSEL BRECKON: -- it up a month
19 ago that I wrote this.

20 But the reason for the need for this is that
21 under -- if we go strictly by the Administrative
22 Procedures Act, and you just do either registered mail or
23 personal service, what happens is if you send, you know, a
24 registered mail, if they don't pick up their mail
25 because --

1 BOARD MEMBER KUEHL: No, I understand why you
2 need substituted service. I'm just trying to figure out
3 whether we're being fair here. You know, we're abiding by
4 the --

5 SENIOR STAFF COUNSEL BRECKON: Well, it's used in
6 lawsuits -- civil lawsuits and it's used in small claims
7 court. And, I mean, basically what it means is you try to
8 serve personally. So you go and you say, "Is Mr. Smith
9 there?" If he's not there, well, then use another adult
10 who knows them -- is at that business or that home, which
11 can serve them. And then we also have to mail. So that
12 way they're getting sort of food and suspenders. You
13 know, you have to mail and you try personal service.

14 So, I mean, without that -- I've talked to the
15 Attorney General about this problem before, because
16 there's been a couple of cases that we haven't been able
17 to serve at all. And he said just try any method that you
18 can and we're going to consider it served. But I have not
19 felt -- I have not felt confident enough in that to
20 actually go to a small claims court or spend money to get
21 a judgment.

22 BOARD MEMBER KUEHL: No, I think the matter
23 that -- the fact that it reflects the section in the CCP
24 is sufficient to at least give people some reference and
25 say, you know, we didn't make this up. This is the way it

1 is for -- primarily through the civil law. And therefore
2 I feel more comfortable with saying -- I understand that
3 we're complying correctly. But, you know, sometimes you
4 want to know, did people know what was in this new stuff?
5 And now they've got two weeks to say something about it.

6 CHIEF COUNSEL BLOCK: Well, let me add on one
7 more thing in terms of procedure here as well. Because
8 the other thing that happens with regulations is after the
9 15-day comment period, this will come back again to the
10 Committee and the Board. So if we were to get some
11 comments at the very end of the 15-day comment period from
12 somebody saying they needed more time or, in fact, if they
13 showed up at this Committee meeting in a month, which
14 would be outside the 15-day comment period, and identified
15 that as an issue, it is actually within the Committee's
16 authority to extend the time period and allow for that.

17 So if, in fact, we do get comments along those
18 lines, you'll have the ability to accommodate that.

19 CHAIRPERSON MULÉ: Any other questions?

20 Thank you for your explanation on that.

21 So there being no more questions, let's --
22 Committee can direct the staff to notice the revised
23 proposed regulations as described in the agenda item for
24 an additional 15-day comment period.

25 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

1 RAUH: Thank you, Chair Mulé.

2 CHAIRPERSON MULÉ: Sure. No problem.

3 Let's move on then to our final item, Board
4 Agenda Item 7.

5 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

6 RAUH: The last item again is one I'm very excited about,
7 as it reflects both good governance efficiency and an
8 increased compliance in our Tire Program.

9 And so here to present the item, when he comes
10 back, is Jim Lee.

11 So I'll just add a little bit. This is an effort
12 that was started over a year ago. And basically it's
13 designed to increase our administrative efficiency, the
14 utilization of our legal resources -- scarce legal
15 resources, and achieve a much higher compliance rate.

16 And I think we will be able to demonstrate that
17 we've been successful in those regards. And as a result
18 of that, we'll be asking you to direct us to continue this
19 effort on a permanent basis and also slightly expand it as
20 well.

21 Jim.

22 TIRE FACILITIES OPERATIONS & EVALUATION BRANCH

23 MANAGER LEE: Good afternoon, Madam Chair, Committee
24 members. My name is Jim Lee. I'm Manager of the Tire
25 Enforcement Branch.

1 I'd ask the Committee members to kind of follow
2 along with the discussions this afternoon. I think that
3 we did send you a copy of the presentation. The kind
4 of -- the PowerPoint, which, you know, due to an
5 inadvertent oversight on my part, is apparently not
6 available to you to show in the meeting today. I think
7 that one's included as part of the BAWDS presentation.
8 Let me pick it up from there.

9 Committee Item H, Board Item 7, is a Status
10 Report and a Request for Direction on the Streamlined
11 Process for Stipulated Waste Tire Hauler and Waste Tire
12 Facility Administrative Penalty Cases.

13 This agenda item is to present findings and
14 request continuation and expansion of a program, which was
15 approved by the Board for a pilot project. Specifically,
16 at the April 2008 Board meeting program and legal staff
17 presented an agenda item, Discussion and Request of the
18 Procedures and Penalties for the Streamlined Process of
19 Stipulated Waste Tire Hauler and Waste Tire Facility
20 Administrative Penalties Cases.

21 At a June 2008 closed session Board meeting, the
22 Board established a penalty schedule and directed staff to
23 implement a six-month pilot program for the hauler in
24 manifest cases that met specific, you know,
25 Board-specified criteria.

1 The question some of you may well have,
2 particularly the new Committee members, the Board members,
3 are, you know, what is the streamlined penalty process and
4 why is it important?

5 The streamlined process is an abridged
6 alternative to the normal administrative complaint process
7 enforced through the Administrative Hearing Enforcement
8 Procedure. And it delivers significant time and resource
9 savings.

10 The normal administrative complaint process is a
11 relatively expensive one. First, staff has to prepare the
12 administrative complaint, serve it on the violator,
13 calendar the case, notify respondents of the hearing,
14 share all evidence within a form that can be presented at
15 hearing, and sometimes have to go to the hearing before an
16 administrative law judge unless the case is settled
17 beforehand.

18 In addition, time is spent negotiating with the
19 violator and bringing the proposed stipulated agreement to
20 the Board in closed session for approval.

21 In contrast, with the streamlined penalty
22 process, staff first determines whether a violation needs
23 Board preapproved program criteria. These criteria
24 include, on slide 4 of the presentation:

25 The cases are limited to those that involve

1 hauler registration or manifesting violations.

2 The cases are considered relatively
3 noncontroversial.

4 The cases involve less than 2,000 tires.

5 The cases have potential penalties of less than
6 \$5,000.

7 The settlement offers are based on Board
8 preapproved penalty tables.

9 And all final settlement offers amounts are
10 signed off on by the Executive Director and Board Chair.

11 Staff then identify the appropriate penalty from
12 a standardized Board preapproved penalty table. We use
13 standardized forms to serve the violator, you know, with
14 the streamlined stipulation.

15 If the violator is willing to stipulate and the
16 Board Chair and Executive Director sign off, the matter is
17 resolved. If the violator does not agree, the matter
18 proceeds through the normal administrative enforcement
19 process.

20 The end result of all this is significantly less
21 time and money expended by the Board to prosecute these
22 cases.

23 The streamlined penalty program also allows staff
24 to be better able to achieve the Board's strategic
25 directive calling for a vigorous enforcement program to

1 ensure waste tire laws and regulations are complied with.
2 And the vigorous waste tire enforcement effort indirectly
3 encourages and supports the Board's waste tire diversion
4 efforts.

5 Indeed, tire haulers and end-use facilities and
6 dealers have consistently maintained that a strong
7 enforcement program -- a strong enforcement presence is
8 essential to minimize the unfair competition which results
9 from those that do not comply with waste tire regulations
10 and it directs tires to legal diversion disposal
11 alternatives.

12 Okay. The question you might have is, what does
13 the violator get out of this program? And why is he
14 encouraged to participate?

15 The violator also saves time and money since
16 cases are typically resolved for a fraction of the expense
17 that would normally be imposed in the administrative
18 hearing process. And the waste tire community, as a
19 whole, benefits, since, by more efficiently enforcing tire
20 laws, a level playing field is maintained and haulers that
21 are trying to lawfully divert or dispose of waste tires
22 are supported.

23 Some of the typical violations that are being
24 prosecuted utilizing the streamlined penalty process you
25 can see on slide number 5 titled "Typical Violations

1 Prosecuted."

2 Some of the examples are unregistered hauling
3 violations, including failure to renew hauler
4 registrations on time. There's also manifesting
5 violations, which include failure to manifest waste tire
6 loads, errors and omissions on manifests, and failure to
7 retain manifest forms.

8 Okay. Now let's talk about some specific program
9 results.

10 On slide number 7, we show that we've prepared
11 and sent out 89 of these streamlined penalty violations in
12 the last six months. Of these, we have had 80 of those
13 which have been accepted and paid in full, or a small
14 percentage of them are paying with a Board staff-approved
15 payment plan.

16 In total, we -- staff feels this is a batting
17 average, a success rate of about 90 percent, which is kind
18 of good, I think, in anybody's league. We also have
19 collected about \$33,150 in fines for the Board.

20 However, even more important than the 33,000 plus
21 that's been collected, staff believes that the costs
22 avoided by not having to utilize staff for administrative
23 complaint prosecution has resulted in savings that we
24 estimate that are more than an order of magnitude greater
25 than the fees that were collected.

1 But the truest measure of whether the program has
2 been successful is whether compliance by violators is
3 maintained on a continuing basis after imposition of a
4 penalty. Staff will be implementing a program to check on
5 and report to the Board on the recidivism rate, that is,
6 the percentage of violators that commit new violations
7 after receiving a streamlined penalty.

8 However, we are encouraged by one recently
9 developed statistic. Of the 30 haulers in 2008 that
10 received streamlined penalties for failure to renew their
11 registration in a timely fashion, 28, or 94 percent, of
12 these haulers did renew on time for 2009.

13 To reiterate, staff feels the streamlined penalty
14 program for prosecuting hauler-related manifests and
15 registration violations has been very successful, and we
16 would like to request the Board to expand it to include
17 violations of select violations of cleanup and abatement
18 orders and cease and desist orders related to waste tire
19 facilities.

20 It should be emphasized there are significant
21 differences in regulation for tire haulers as opposed to
22 facility requirements. That is, noncompliance with a
23 cleanup and abatement order is a necessary precursor to
24 obtaining penalties, administrative complaint or
25 otherwise, for a facility violation, but this is not

1 necessary for a hauler or manifest-related violation.

2 Nevertheless, staff feel that the Board's
3 approval and expansion of the program to include these
4 provisions will provide additional program efficiencies
5 and cost savings.

6 Some of the typical violations that we would
7 expect to prosecute, if the Board approves this expanded
8 authority, include failure to comply with storage vector
9 or fire-related requirements. Another example might be
10 operating without a permit where there are fewer than
11 2,000 tires that are involved.

12 And the criteria for the expanded program is --
13 it's much the same as those previously approved by the
14 Board for the hauler-related violations, the
15 specifically -- you know, we're talking again select
16 violations of cleanup and abatement orders or cease and
17 desist orders, cases are considered relatively
18 noncontroversial, involve less than 2,000 tires,
19 settlement offers to be based on Board preapproved penalty
20 tables, and all final settlement offer amounts are signed
21 off on by the Executive Director and Board Chair.

22 With that, staff recommends to the Board that we
23 continue the streamlined enforcement process for waste
24 tire hauler related manifesting and registration
25 violations, that we expand the streamlined enforcement

1 program to include prosecutions of select violations of
2 cleanup and abatement order and cease and desist orders
3 related to waste tire storage requirements or operating
4 without a permit, and then finally that the Board adopt --
5 recommend adoption of Resolution 2009-14.

6 That concludes the staff presentation. I'd be
7 pleased to answer any questions you might have.

8 CHAIRPERSON MULÉ: Thank you, Jim. Good
9 presentation. And at least from my perspective, I think
10 the program has been a huge success. So thank you.

11 Any questions?

12 COMMITTEE MEMBER BROWN: No. I was going to say
13 this is a very prudent way of looking at streamlining of
14 State government.

15 (Laughter.)

16 BOARD MEMBER LAIRD: As opposed to alternatives.

17 COMMITTEE MEMBER BROWN: I'm only saying that the
18 amount of time that we spent on administrative complaints
19 previously was an enormous amount of staff preparation.
20 And this is great. I needed to clarify that probably.

21 BOARD MEMBER LAIRD: I appreciate that.

22 COMMITTEE MEMBER BROWN: But this is a huge -- I
23 mean, this is a small piece of the pie. But it is a very
24 important streamlining of this program, because the amount
25 of time we were spending on reviewing administrative

1 complaints and preparation of those things distracted us
2 from other opportunities to do things that are more
3 important.

4 So good job in creating a program that's batting
5 90 percent.

6 TIRE FACILITIES OPERATIONS & EVALUATION BRANCH
7 MANAGER LEE: Thank you.

8 CHAIRPERSON MULÉ: The only request that I have
9 is, would you be providing us with an update -- you know,
10 a status report, say, semi-annually or --

11 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
12 RAUH: Certainly.

13 CHAIRPERSON MULÉ: Okay.

14 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
15 RAUH: And I'd either do it through -- I can do it through
16 the Program Director Report on any frequency that you'd
17 like, because we keep -- but certainly on a quarterly
18 basis perhaps to start. And then we can change it as we
19 get more comfortable with the program.

20 CHAIRPERSON MULÉ: That would be fine. That
21 would be fine.

22 Yeah, and, again, I don't want everybody to get
23 caught up in doing reports. So I just want -- again, I
24 just think it would be -- it would be good for all of us
25 to see how successful this program continues to be.

1 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

2 RAUH: Well, and I think especially as we get actual
3 compliance.

4 CHAIRPERSON MULÉ: Right.

5 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

6 RAUH: History results, I think that's going to be far
7 more telling.

8 CHAIRPERSON MULÉ: Right.

9 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

10 RAUH: And we'll definitely want to use that as we move
11 forward.

12 CHAIRPERSON MULÉ: Very good.

13 Well, thank you. Good work.

14 Do I have a motion for Resolution 2009-14?

15 COMMITTEE MEMBER BROWN: Sure. So moved.

16 CHAIRPERSON MULÉ: Second.

17 That was moved by Chair Brown, seconded by
18 myself.

19 And we can substitute the previous roll on this
20 one. And we will put this item on consent for the full
21 Board meeting.

22 So without further ado, if there is no public
23 comment on any items outside this agenda, this meeting is
24 adjourned.

25 Thank you, all.

1 (Thereupon the California Integrated Waste
2 Management Board, Permitting and Compliance
3 Committee meeting adjourned at 3:32 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Compliance Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 20th day of January, 2009.

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23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

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